

Law Reporter 1999 Annual Index and Table of Cases for Volume 42

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How to Use This Index

The *Law Reporter* Annual Index is designed to make your 1999 issues of the *Law Reporter* a reliable and accessible research tool. Here are a few things you should know to make the best use of your index:

General Index by Subject (page LR-3). The major subject headings in the General Index correspond to the areas of law covered in each issue of the *Law Reporter*.

To locate a particular kind of case, first determine which area your inquiry falls into. Entries within each subject include both factual and legal issues. The numbers after the entries are the page numbers in Volume 42 of the *Law Reporter* where the cases appear.

Table of Cases (page LR-18). This table includes the most complete citations available as of November 1999.

Injury Awards (page LR-34). Entries in this section will direct you to cases in the *Law Reporter* that contain awards of damages for particular types of injuries. The following abbreviations are used in this section of the index: V for verdict; S for settlement; SS for structured settlement; PVS for postverdict settlement; AA for arbitration award; M for mediation. An asterisk beside an award indicates plaintiff suffered injuries in addition to the one(s) listed.

Wrongful Death Awards (page LR-35). This table lists the wrongful death awards reported in Volume 42 of the *Law Reporter*. The following abbreviations are used in this section of the index: V for verdict; S for settlement; SS for structured settlement; PVS for postverdict settlement; AA for arbitration award; M for mediation.

Court Documents by Topic (page LR-36). To order, see the form at the back of this issue.

To Obtain Further Information About a Case. The best source for additional information about a case is plaintiff's counsel. The name and city of the plaintiff's counsel involved in a case are provided, where possible, at the end of our report of the case. Your ATLA membership directory will provide you with the complete address and telephone number of any ATLA member.

The *Law Reporter* provides pleadings, depositions, briefs, and other court documents through the "Court Documents" section each month. That column also provides a list of Case Summary Surveys—collections of case summaries appearing in the *Reporter* from 1988 to the present. Also available are Ultimate Documents—comprehensive research packages that include documents, case reports, and bylined articles on a specific topic. To order, fill out the form on page 407 of this issue.

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\$2.4 million V*: 375
\$1.06 million comp. and
\$1.3 million pun. V: 7
\$2.15 million SS*: 217
\$1.16 million V*: 399
\$900,000 S: 195
\$738,000 V* 231
\$280,300 V*: 354
\$246,000 V: 27
protruding,
\$300,000 V*: 146
soft-tissue damage,
\$225,000 S*: 294
\$25,000 S*: 294
spine,
cervical, trauma to,
\$8 million S: 390
fracture,
\$3.8 million S*: 31
lumbar,
\$500,000 S: 399
osteoarthritis,
\$300,000 V*: 4

brain injuries

\$34 million V*: 168
\$25.1 million V: 295
\$15.13 million S*: 88
\$14.45 million V*: 17
\$13.53 million SS*: 87
\$6.17 million V: 33
\$5 million S*: 46
\$4 million SS*: 216
\$3.4 million S*: 21
\$3.25 million S*: 70
\$3.06 million SS: 87
\$3.04 million V: 17
\$3 million SS: 215
\$2.04 million S*: 334

\$1.5 million S*: 215
\$1.35 million V: 257
\$1.1 million SS*: 46
\$761,000 S*: 298

burns

\$13.9 million V: 233
\$12.4 million V: 233
\$2.67 million S: 195
\$2.26 million S: 71
\$590,000 S*: 398
\$575,000 S*: 239
\$410,000 S*: 398
\$250,000 S: 71
\$40,000 S*: 239

consortium, loss of

\$6 million V: 168
\$3.4 million S: 234
\$1.5 million V: 375
\$1 million V: 233
\$750,000 V: 17
\$320,000 S: 70
\$250,000 S: 46
\$225,000 V: 112
\$200,000 V: 375
\$130,000 V: 169
\$125,000 V: 399
\$100,000 V*: 47
\$25,000 V: 399
\$25,000 V: 399
\$20,000 V: 374
\$10,000 S: 239
\$3,500 S: 239

contusions

\$2.04 million S*: 334

eye injuries

fractured orbital socket,
\$246,000 V: 101
loss of,
\$1 million V*: 191
\$750,000 S*: 274

facial injuries

\$1.25 million V*: 307
\$79,000 V: 17
abrasions,
\$200,000 S*: 298

hand injuries

\$75,000 V*: 109
amputation, partial,
\$1.1 million S* and
\$40,000 S*: 144
carpal tunnel syndrome,
\$500,000 V: 278
finger(s), amputation,
\$3.5 million V*: 30
\$377,000 V: 328

head injuries

\$4 million V*: 127
\$2 million S*: 336
\$275,000 S: 24
closed-head,
\$5 million S*: 373
\$3.84 million S*: 335
\$2.75 million comp. and
\$220,000 pun. V*: 47

\$2.55 million V*: 86
\$2.3 million S*: 168
\$2.3 million S*: 128
\$2 million V*: 112
\$1.12 million V*: 46
\$457,700 V*: 24
concussion,
\$35,000 S*: 347
ear,
\$350,000 comp. and
\$605,000 pun. V*: 309
headaches,
\$110,000 V: 392
neck,
\$998,900 V*: 198
\$375,000 S*: 84
skull fracture,
\$1.2 million S*: 256
\$1 million S*: 146
subdural hematoma,
\$2.53 million S*: 6
\$2.05 million SS*: 170

internal injuries

abdomen,
\$120,000 S: 355
bladder, ruptured,
\$2.45 million SS*: 31
congestive heart failure,
\$1.3 million V*: 169
pulmonary contusion,
\$2.04 million S*: 334
thoracic outlet,
\$1.69 million V*: 374

leg injuries

amputation,
\$29.19 million comp. and
\$900,000 pun. V*: 201
\$8.63 million SS: 317
\$4.25 million S: 149
\$2.3 million S*: 68
\$2.3 million S*: 62
\$900,000 SS: 6

ankle,

fracture(s),
\$1.3 million S: 199
\$1.1 million S*: 170
\$850,000 S: 386
\$175,000 S*: 400
sprain,
\$62,900 V: 110

foot,

amputation,
\$2.94 million S*: 279
\$1.75 million S: 240
fracture,
\$568,000 V: 359
fracture(s),
\$1.4 million S*: 295
\$1 million S*: 255
\$500,000 S*: 61
\$375,000 S*: 97
\$345,000 S: 353

hip,

\$715,000 S*: 347

\$450,000 V: 106
knee,
\$5.36 million V: 72
\$1.01 million V: 169
\$650,000 S: 195
\$450,000 S: 311
\$379,000 S: 199
\$335,000 V: 27
\$120,200 S: 329
\$28,000 S*: 239
\$7,000 S*: 297
\$7,000 S*: 297
toe, amputation(s),
\$9.32 million V*: 384
\$575,000 S: 306

paralyzing injuries

incomplete paralysis,
\$10.43 million V: 216
paraplegia,
\$2.3 million SS* and
\$750,000 S*: 112
quadriplegia,
\$8.95 million SS: 329
\$6.25 million SS: 152
\$4.91 million S: 5
\$2.25 million V: 375
\$2.1 million S: 231
\$1.48 million (Canadian)
SS: 153

psychological injuries

depression,
\$600,000 V: 175
emotional distress,
\$1 million comp. and
\$21.5 million pun. V: 350
\$10.68 million V: 279
\$1.76 million comp. and
\$8 million pun. V: 308
\$300,000 comp. and
\$8.4 million pun. V: 141
\$250,000 comp. and
\$4.06 million pun. V: 13
\$266,800 comp. and
\$2.1 million pun. V: 301
\$370,000 comp. and
\$1.23 million pun. V: 301
\$762,600 V: 220
\$761,000 S*: 298
\$383,000 V: 14
\$237,500 S: 308
\$175,000 S: 350
\$50,000 S: 350
\$10,000 S: 239
\$10,000 S: 239
posttraumatic stress disorder,
\$6 million V*: 24
\$3 million V: 24
\$100,000 comp. and
\$1.55 million pun. V*: 172
\$1.08 million SS: 281
\$500,000 V: 24
society, loss of,
\$8.96 million V: 401
\$2,000 V: 359

Wrongful Death Awards

Wrongful death awards from products liability and professional negligence cases are published in the annual indexes to the Products Liability Law Reporter and the Professional Negligence Law Reporter.

Men

\$42.5 million V, 52-year-old refinery unit assistant operator earning about \$45,000 annually, survived by wife and mother: 200
\$13.91 million V, 47-year-old sand dredging business partner earning about \$600,000 annually, survived by wife and three adult children: 8
\$12.8 million V plus confidential S, 64-year-old man, survived by wife and 13 children: 259
\$6 million V, 18-year-old student and part-time supermarket employee earning about \$6,300 annually, survived by parents: 334
\$5.25 million S, 49-year-old industrial equipment company executive earning between \$800,000 and \$3.6 million annually, survived by wife and three minor sons: 21
\$4.55 million V, 34-year-old electrical engineer earning minimum wage, survived by wife: 360
\$4.5 million V, 59-year-old factory worker earning about \$13 per hour, survived by two adult children: 47
\$4.04 million SS plus waiver of a \$425,000 workers' comp lien, 44-year-old industrial painter earning \$44,000 annually, survived by wife, one minor son, and two adult sons: 239
\$4 million PVS, 60-year-old machinist earning about \$50,000 annually, survived by wife and three adult children: 335
\$3.9 million V, 52-year-old purchasing agent: 321
\$2.6 million SS, 42-year-old manufacturer's representative earning \$48,000 annually, survived by wife and one minor child: 311
\$2.55 million S, 29-year-old part-time dock worker and security guard earning about \$16,700 annually, survived by wife, parents, and five siblings: 73
\$2.53 million S, 32-year-old bookkeeper earning \$25,000 annually, survived by wife: 6
\$2.5 million V, 20-year-old deliveryman, survived by parents: 357
\$1.8 million SS, 37-year-old nuclear insulator earning \$45,000 annually, survived by wife, one minor daughter, and one adult daughter: 373
\$1.65 million V, 52-year-old carpenter and handyman earning about \$15,600 annually, survived by wife and five children: 214
\$1.5 million V, 58-year-old store owner, survived by wife, four adult and two minor children: 17
\$1.35 million SS, 47-year-old driller earning about \$30,000 annually, survived by wife and three adult sons: 319
\$1.25 million postverdict SS, 39-year-old self-employed truck driver earning about \$13,000 annually, survived by wife and two minor sons: 7
\$1.1 million S, 48-year-old distribution center manager for a machinery manufacturer earning about \$97,200 annually, survived by wife, one minor and two adult children: 234
\$1.1 million SS, 34-year-old concrete worker earning about \$25,000 annually, survived by wife and three minor children: 280
\$1 million SS, 36-year-old state maintenance supervisor earning about \$24,000 annually, survived by wife, minor daughter, and mother: 374
\$1 million SS, 35-year-old construction worker earning about \$40,000 annually, survived by parents, wife, and two minor children: 374
\$750,000 V, 51-year-old truck driver earning about \$36,000 annually, survived by wife: 29
\$725,000 S, 36-year-old man, survived by minor son: 8

\$325,000 S, 64-year-old man, survived by adult son: 63
\$291,400 V, 19-year-old student, survived by parents: 57
\$250,000 SS, 74-year-old real estate broker earning about \$12,000 annually, survived by wife and adult daughter: 216
\$250,000 S, 54-year-old man survived by wife and four children: 236
\$150,000 S, 35-year-old firefighter earning about \$45,000 annually, survived by parents: 50

Women

\$2.2 million V, 22-year-old correctional facility youth counselor earning about \$19,000 annually, survived by minor son: 255
\$2.13 million V, 33-year-old waitress earning about \$30,000 annually, survived by husband and minor son: 86
\$2.04 million S, 34-year-old leather manufacturing company buckstitcher earning about \$8,000 annually, survived by mother and two daughters: 334
\$1.9 million V, 41-year-old woman, survived by three minor and three adult children: 105
\$1.5 million SS, 28-year-old industrial designer earning about \$54,900 annually, survived by parents: 374
\$1.33 million S, 29-year-old massage therapist, survived by husband, sister, and father: 294
\$1 million S, 29-year-old elevator company employee earning \$6 per hour, survived by mother: 295
\$875,000 S, 40-year-old machinist earning about \$22,000 annually, survived by one adult and three minor children: 256
\$725,000 S, 35-year-old computer worker earning \$7 per hour, survived by husband and son: 185
\$550,000 S, 28-year-old former homemaker, survived by husband: 384
\$325,000 S, 57-year-old woman, survived by adult son: 63
\$100,000 S, 88-year-old public health officer, survived by son and three grandchildren: 294

Children

\$5 million V, 9-year-old girl, survived by father and brother: 46
\$2 million SS, 16-year-old male student, survived by parents and sister: 167
\$1.63 million S, 9-year-old girl, survived by parents and minor brother: 255
\$750,000 S, 14-year-old boy, survived by parents and two minor siblings: 16
\$690,000 S, 15-year-old male student, survived by parents: 318
\$450,000 S, 16-year-old female student, survived by mother: 318
\$100,000 V, 9-year-old girl, survived by parents and sister: 105

Multiple Victims

\$3.9 million SS, 44-year-old male laborer earning about \$1,200 monthly, and his 40-year-old student wife, survived by adult son and their 18-year-old student daughter: 167
\$2.92 million V, neighborhood residents alleging various injuries, including a fatal cancer, had been caused by uranium exposure: 29
\$2.41 million S, 49-year-old systems analyst, earning about \$22,000 annually; her 15-year-old daughter; and her 72-year-old father; survived by analyst's siblings and mother: 86

COURT DOCUMENTS BY TOPIC:

EMPLOYMENT LAW—WRONGFUL DISCHARGE

DOCUMENTS \$95

- [] BECKWITH V. DILLARD'S, INC., 41 ATLA L. Rep. 92 (Apr. 1998) (plaintiff's trial memorandum and the court's decision and order in a case alleging retaliatory discharge for taking time off after a workplace injury). No. 3177.
- [] CHENG-CANINDIN V. RENAISSANCE HOTEL ASSOCS., 40 ATLA L. Rep. 14 (Feb. 1997) (the parties' appellate briefs in a case in which the court held that a hotel employee handbook's dispute resolution procedures did not amount to an arbitration agreement and, thus, the hotel could not compel arbitration of a wrongful termination claim). No. 2934.
- [] COFFEY V. FAYETTE TUBULAR PRODS., 40 ATLA L. Rep. 93 (Apr. 1997) (the parties' appellate briefs in a Kentucky wrongful termination case holding that an appellate court had erred in reducing a verdict because (1) the trial court had adequately reviewed the punitive damages award and (2) front pay was appropriate despite an ample punitive award because the two serve different purposes). No. 2956.
- [] COOK V. ZIONS FIRST NAT'L BANK, 39 ATLA L. Rep. 320 (Oct. 1996) (the parties' appellate briefs in a Utah case holding an at-will employee who was not granted permission to take sick leave could sue for breaches of contract and the implied covenant of good faith and fair dealing). No. 2830.
- [] FOX V. CITY OF BOWLING GREEN, 39 ATLA L. Rep. 396 (Dec. 1996) (the parties' appellate and amicus briefs in a case holding an employee alleging retaliation under the Ohio whistleblower statute need only show a reasonable belief that a violation occurred). No. 2893.
- [] GRIFFAW V. ITT FED. SERVS. CORP., 40 ATLA L. Rep. 92 (Apr. 1997) (plaintiff's complaint, the parties' pretrial order, and jury instructions in a case alleging wrongful termination for reporting fraud involving the employer's government contracts). No. 2960.
- [] HAUSER V. PILLSBURY CO., 40 ATLA L. Rep. 385 (Dec. 1997) (plaintiff's complaint, the parties' summary judgment briefs, and the trial court's order in a case in which plaintiff alleged breach of contract arising from violation of an employee handbook's lay-off procedure where a complaining employee was laid off). No. 3133.
- [] LESBINES V. UNIVERSAL CITY NISSAN, 39 ATLA L. Rep. 277 (Sept. 1996) (plaintiff's trial brief regarding the admissibility of evidence from another case involving the same defendant in a case alleging a car dealership terminated a salesman for refusing to falsify a credit application). No. 2817.
- [] LINGLE V. MOBIL OIL CORP., 39 ATLA L. Rep. 240 (Aug. 1996) (plaintiff's posttrial briefs in a case alleging a company breached an implied contract not to fire without good cause). No. 2775.
- [] PAGE V. COLUMBIA NATURAL RESOURCES, INC., 38 ATLA L. Rep. 262 (Sept. 1995) (plaintiff's complaint and the parties' summary judgment and posttrial briefs in a case alleging a secretary was fired for giving honest deposition testimony, in violation of state public policy). No. 2486.
- [] PAGE V. GOODMAN-WADE ENTERS., INC., 39 ATLA L. Rep. 396 (Dec. 1996) (the parties' pleadings, defendant's summary judgment motion and plaintiff's response, and the court's charge in a case alleging a mental health care chain terminated an administrator in retaliation for reporting regulatory violations). No. 2899.
- [] RISINGER V. UNITED STATES PRINTING INK CORP., 39 ATLA L. Rep. 278 (Sept. 1996) (plaintiff's complaint, motion for leave to file a trial amendment, and motion for judgment; the parties' posttrial briefs; and the court's orders in a case alleging a production manager was fired in retaliation for taking leave for a work injury). No. 2820.
- [] TERZANO V. COUNTY OF WAYNE, 39 ATLA L. Rep. 319 (Oct. 1996) (the parties' appellate briefs in a case holding the Michigan whistleblowers' protection act protected an employee who reported third-party violations of law). No. 2855.
- [] UMPHREY V. FINA OIL & CHEM. CO., 39 ATLA L. Rep. 279 (Sept. 1996) (the parties' motions and briefing and the court's order on whether an employee's action alleging retaliation for filing a workers' compensation claim is preempted by federal labor law). No. 2823.
- [] WORKS V. TRANSIT AUTH. OF LEXINGTON-FAYETTE URBAN COUNTY GOV'T, 39 ATLA L. Rep. 59 (Mar. 1996) (plaintiff's complaint and motion for partial summary judgment; defendant's response; and the trial court's verdict, judgment, reinstatement order, and order denying posttrial motions in a case alleging retaliation against a bus driver for taking work-related injury leave). No. 2658.

COURT DOCUMENTS BY TOPIC: AIRCRAFT MANUFACTURER LIABILITY

DOCUMENTS \$95

[] BAILEY V. McDONNELL DOUGLAS CORP., 36 ATLA L. Rep. 239 (Sept. 1993) (the parties' appellate briefs in a case holding a manufacturer asserting the government contractor defense must show that adhered-to specifications concerned the defective feature at issue). No. LR-1822.

[] BLANKENSHIP V. BOEING CO., 11 PLLR 201 (Dec. 1992) (plaintiff's pretrial statement, memo in support of sanctions, and deposition summaries in a case alleging lack of a fail-safe latch on an airplane cargo door). No. PL-402.

[] BROOKS V. BEECH AIRCRAFT CORP., 14 PLLR 155 (Oct. 1995) (the parties' and amicus curiae briefs in a case in which the court held strict liability applies to design defect claims in New Mexico). No. PL-592.

[] BUTCHKOSKY V. ENSTROM HELICOPTER CORP., 11 PLLR 201 (Dec. 1992) (plaintiff's memorandum in opposition to summary judgment in a case holding the economic loss rule did not preclude a products liability claim where the parties were not in privity). No. PL-404.

[] CLEVELAND V. PIPER AIRCRAFT CORP., 12 PLLR 127 (Aug. 1993) (the parties' and amicus curiae appellate briefs in a case holding that the Federal Aviation Act does not preempt an action alleging negligent airplane design). No. PL-450.

[] D'ADDARIO V. MITSUBISHI AIRCRAFT INT'L, INC., 37 ATLA L. Rep. 95 (Apr. 1994) (plaintiffs' complaint in a case alleging a plane would not handle properly in icy conditions). No. LR-1986.

[] EARNEST V. UNITED TECHS. CORP., 13 PLLR 150 (Oct. 1994) (plaintiffs' complaint and the parties' summary judgment motions and brief on the government contractor defense in a case alleging negligent manufacture of a washer in a helicopter's tail rotor system). No. PL-526.

[] FORSHEW V. USAIR, INC., 14 PLLR 67 (May 1995) (plaintiffs' complaint in a case alleging defective design of an airplane in that its wings did not minimize the impact of icing and its fuel tanks were uncrashworthy). No. PL-568.

[] GOULD V. SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE, 13 PLLR 27 (Mar. 1994) (plaintiffs' complaint, trial memorandum, memoranda opposing motions in limine

and for a new trial, and the court's orders on these motions in a case alleging a defective helicopter rotary bearing). No. PL-484.

[] IN RE AIR CRASH DISASTER, 35 ATLA L. Rep. 369 (Dec. 1992) (the parties' appellate briefs in a case holding plaintiff could recover for bystander emotional distress when she watched an air crash fire burn her home, even though she did not see the crash). No. LR-1637.

[] MILLER V. UNITED TECHS. CORP., 14 PLLR 175 (Nov. 1995) (the parties' briefs in a case holding (1) courts must evaluate design defect and failure-to-warn claims separately under the Boyle factors and (2) the government contract defense applies to equipment bought by the United States for resale to a foreign government). No. PL-600.

[] PIERARD V. AEROSPATIALE HELICOPTER CORP., 13 PLLR 173 (Nov. 1994) (plaintiff's complaint and experts' trial testimony in a case alleging defective design of a fuel filter system). No. PL-537.

[] PUBLIC HEALTH TRUST V. LAKE AIRCRAFT, INC., 12 PLLR 148 (Oct. 1993) (the Academy of Florida Trial Lawyers' amicus curiae brief arguing federal law has not preempted the field of aircraft crashworthiness). No. PL-461.

[] TIMBERLINE AIR SERV. V. BELL HELICOPTER-TEXTRON, INC., 14 PLLR 50 (Apr. 1995) (the parties' briefs on whether the government contractor defense shields a manufacturer that complied with design specifications from liability for postmanufacture failure to warn). No. PL-564.

[] VAREA V. AEROSPATIALE HELICOPTER CORP., 13 PLLR 27 (Mar. 1994) (plaintiffs' motion to intervene, defendant's memo opposing the motion, and the trial court's order in a case holding plaintiffs could intervene in a similar case to obtain sealed documents). No. PL-488.

[] WALTON V. AVCO CORP., 11 PLLR 198 (Dec. 1992) (the appellate briefs of the parties and amicus curiae on whether a helicopter manufacturer holding out a product as its own may be strictly liable for failing to relay to users the engine manufacturer's notice of a defect). No. PL-412.

[] WILLIAMSON V. CESSNA AIRCRAFT CO., 14 PLLR 48 (Apr. 1995) (plaintiffs' complaint and depositions of the parties' experts in a case alleging an airplane carburetor was defectively designed and manufactured). No. PL-565.

COURT DOCUMENTS BY TOPIC: EMERGENCY ROOM NEGLIGENCE

DOCUMENTS \$95

[] *AMERICAN NAT'L BANK V. LUTHERAN GEN. HOSP., INC.*, 10 PNLR 5 (Feb. 1995) (deposition of defendant's emergency medicine expert in a case alleging failure to diagnose aortic dissection). No. PN-446.

[] *ARLINE V. ST. ELIZABETH HOSP.*, 8 PNLR 187 (Dec. 1993) (deposition of a medical expert and the parties' primary interrogatories, objections, and answers in a case alleging failure to administer a tetanus shot). No. PN-376.

[] *DEMARIO V. ST. FRANCIS MED. CTR.*, 7 PNLR 151 (Oct. 1992) (plaintiff's complaint, motion for application of state law, and the final pretrial order in a case in which plaintiff alleged an emergency room physician had failed to diagnose a bowel obstruction). No. PN-321.

[] *KABERLINE V. MARTHA WASHINGTON HOSP.*, 5 PNLR 188 (Dec. 1990) (plaintiff's complaint alleging an internist had been negligent in failing to diagnose plaintiff's cervical fracture and in removing his cervical collar before his spine was stabilized). No. PN-215.

[] *MANSHIP V. COASTAL EMERGENCY SERVS.*, 10 PNLR 151 (Oct. 1995) (plaintiff's memoranda in opposition to defendants' summary judgment motions in a case alleging failure to properly treat an infection). No. PN-480.

[] *NETHKEN V. WEST VIRGINIA UNIV. HOSPS., INC.*, 9 PNLR 169 (Nov. 1994) (plaintiff experts' depositions in a case alleging failure to diagnose and treat stroke symptoms). No. PN-439.

[] *SANCHEZ V. CHILDREN'S HOSP.*, 6 PNLR 127 (Sept. 1991) (plaintiff's memorandum opposing defendant's post-trial motions in an action alleging hospital staff had been negligent in failing to diagnose meningitis). No. PN-259.

[] *STEELE V. ANSON COUNTY HOSP.*, 9 PNLR 86 (June 1994) (plaintiffs' memoranda in a case alleging EMTALA "patient-dumping" violations). No. PN-410.

[] *TIERNEY V. COMMUNITY MEM'L GEN. HOSP.*, 7 PNLR 90 (June 1992) (plaintiff's complaint and motion for directed verdict in a case alleging failure to diagnose bacterial endocarditis). No. PN-307.

COURT DOCUMENTS BY TOPIC: MEDICAL DEVICE AMENDMENTS AND PREEMPTION

DOCUMENTS \$95

[] *BLANCHARD V. COLLAGEN CORP.*, 15 PLLR 51 (Apr. 1996) (plaintiff's memoranda opposing defendant's summary judgment motion in a case holding the MDA does not preempt claims alleging a medical product was contaminated through failure to comply with federal regulations). No. PL-623.

[] *COMMITTEE OF DENTAL AMALGAM MFRS. AND DISTRIBUTORS V. STRATTON*, 15 PLLR 171 (Nov. 1996) (the state of California and intervenors' appellate briefs arguing that the MDA does not preempt a state statute requiring consumer warnings for products that pose health risks). No. PL-652.

[] *CONNELLY V. IOLAB CORP.*, 15 PLLR 170 (Nov. 1996) (the parties' appellate briefs in a case alleging the MDA does not preempt state law tort claims for defective intraocular lenses). No. PL-658.

[] *KENNEDY V. COLLAGEN CORP.*, 15 PLLR 8 (Feb. 1996) (the parties' appellate briefs in a case holding the MDA does not preempt state law claims involving Class III medical devices). No. PL-613.

[] *KERNATS V. SMITH INDUS. MED. SYS., INC.*, 15 PLLR 191 (Dec. 1996) (plaintiffs' appellate briefs and answer to defendant's petition in a case holding the MDA does not preempt state law claims alleging defects in a device subject to the premarket approval process). No. PL-659.

[] *MEDTRONIC, INC. V. LOHR*, 15 PLLR 114 (July 1996) (plaintiffs' brief and defendant's certiorari petition in a case holding the MDA does not preempt state law claims for a defective pacemaker). No. PL-619.

[] *STRONG V. TELELECTRONICS PACING SYS., INC.*, 15 PLLR 114 (July 1996) (plaintiff's appellate briefs in a case holding a negligent manufacturing claim may not be removed to federal court based on MDA preemption). No. PL-642.

COURT DOCUMENTS BY TOPIC: PREMISES—SLIP AND FALL

DOCUMENTS \$95

[] HAWKINS V. 248 HAYNES ST. ASS'N, 38 ATLA L. Rep. 65 (Mar. 1995) (plaintiff's trial brief, defendant's motion for a new trial, a transcript of the arguments, and the court's decision on the motion in a slip-and-fall case against a hotel owner). No. 2311.

[] HENRY V. P.F.D. SUPPLY CORP., 38 ATLA L. Rep. 352 (Nov. 1995) (plaintiff's third amended complaint in a case alleging a company failed to (1) provide adequate lighting for delivery personnel and (2) remove ice and debris from its premises). No. 2531.

[] KAPLAN V. SHERMAN OAKS FASHION SQUARE, 38 ATLA L. Rep. 235 (Aug. 1995) (plaintiff's mandatory settlement conference brief in a case alleging a shopping center had negligently selected and maintained floor tiles). No. 2446.

[] KELLETT V. CIVIC CTR. FOR PERFORMING ARTS, 38 ATLA L. Rep. 106 (Apr. 1995) (plaintiff's complaint and fact statement, defendant's posttrial motion, plaintiff's response, and defendant's reply in a case alleging a building owner failed to provide a safe route for beverage delivery). No. 2355.

[] MONTAGNINO V. SHONEY'S INC., 36 ATLA L. Rep. 252 (Sept. 1993) (plaintiff's petition for damages and

posttrial memorandum on damages and the court's reasons for judgment in a case alleging plaintiff proceeded with extreme caution after seeing a "Caution Wet Floor" sign and fell solely because of the restaurant floor's slipperiness). No. 1836.

[] OLDS V. NATIONAL AMUSEMENTS, INC., 38 ATLA L. Rep. 234 (Aug. 1995) (plaintiff's complaint, defendant's motion for a new trial, and a meteorologist's and treating physicians' reports in a case alleging that a movie theater had negligently failed to salt or sand an icy sidewalk). No. 2454.

[] PENN V. GREAT ATL. AND PAC. TEA CO., 37 ATLA L. Rep. 272 (Sept. 1994) (plaintiffs' complaint and trial briefs on causation and defendant's constructive knowledge in a case alleging a store owner had failed to repair a freezer leak or warn customers about it). No. 2147.

[] PETTY V. DENNY'S, INC., 38 ATLA L. Rep. 272 (Sept. 1995) (the parties' mediation summaries and defendant's trial brief in a case alleging negligent maintenance of a parking lot). No. 2488.

[] ROACH V. WAL-MART STORES, INC., 38 ATLA L. Rep. 107 (Apr. 1995) (plaintiff's motions to strike affirmative defenses and for partial summary judgment in a case alleging a store had failed to (1) provide lids with drinks and (2) clean up a spill). No. 2363.

COURT DOCUMENTS BY TOPIC: AUTOMOBILE ACCIDENTS

DOCUMENTS \$95

NEGLIGENT ENTRUSTMENT

[] BARBA V. COLUMBUS ELEC. COOP., INC., 37 ATLA L. Rep. 216 (Aug. 1994) (defendants' motions to dismiss and to establish non-negligence and plaintiff's opposition in a case alleging (1) a utility truck driver failed to keep a proper lookout and secure the truck's cross arms and (2) his employer had negligently entrusted the truck). No. 2084.

[] PACKER V. BAER, 37 ATLA L. Rep. 167 (June 1994) (plaintiffs' brief in a case alleging driving while intoxicated and negligent entrustment). No. 2062.

[] WILLIAMS V. CHRYSLER CORP., 37 ATLA L. Rep. 301 (Oct. 1994) (plaintiffs' amended trial memorandum and motion for partial summary judgment, defendants' motion in limine and plaintiffs' response, and the parties' mediation statement in a case alleging a driver who rear-ended a bicycle had been speeding and driving while intoxicated and his employer had negligently entrusted the vehicle). No. 2192.

NEGLIGENT HIRING, RETENTION, SUPERVISION, AND TRAINING

[] FAVERTY V. McDONALD'S RESTAURANTS, INC., 38 ATLA L. Rep. 223 (Aug. 1995) (plaintiff's brief and table of authorities in a case holding an employer was li-

able for a third party's injuries in an auto accident caused by an off-duty employee). No. 2440.

[] *GASAWAY V. ECK MILLER TRANSP. CORP.*, 37 ATLA L. Rep. 166 (June 1994) (plaintiffs' complaint, the parties' trial briefs, and defendants' response to plaintiffs' brief supporting a third-party summary judgment motion in a case alleging (1) a truck driver who turned in front of a vehicle failed to heed a stop sign, yield the right-of-way, and keep a proper lookout and (2) inadequate training and supervision of the driver). No. 2053.

[] *HART V. KEYSTONE SERVS., INC.*, 38 ATLA L. Rep. 128 (May 1995) (plaintiffs' pretrial conference order in a case alleging (1) a truck driver who struck a van failed to keep a proper lookout and yield the right-of-way and (2) a construction company negligently hired, supervised, and trained its driver). No. 2384.

[] *KELLER V. MOYER PACKING CO.*, 37 ATLA L. Rep. 254 (Sept. 1994) (plaintiffs' memoranda regarding admissibility of Federal Motor Carrier Safety Regulations in a case alleging negligent hiring of an independent contractor). No. 2135.

[] *WHITE V. SARKISYAN*, 37 ATLA L. Rep. 93 (Apr. 1994) (plaintiffs' motion to amend the complaint for punitive damages, trial brief, and briefs responding to defendants' summary judgment motions in a case alleging (1) an independent contractor failed to properly maintain a truck's steering system and (2) a tractor trailer owner negligently hired and retained its driver). No. 2005.

PEDESTRIAN ACCIDENTS

[] *CORNS V. HALL*, 37 ATLA L. Rep. 46 (Mar. 1994) (plaintiff's complaint, appellate brief, motion to amend, and answers to defense interrogatories and defendant's answer, appellate brief, and answer to plaintiff's interrogatories in a case holding a pedestrian crossing a shopping mall parking lot has no duty to yield to oncoming vehicles). No. 1958.

[] *TROUTMAN V. UNITED STATES*, 37 ATLA L. Rep. 256 (Sept. 1994) (plaintiff's proposed findings of fact and conclusions of law in a case alleging a van driver who struck a pedestrian failed to keep a proper lookout). No. 2152.

[] *WHEELIS V. AMERICAN FISHING AND RENTAL TOOL, INC.*, 37 ATLA L. Rep. 167 (June 1994) (plaintiff's complaint, interrogatories, requests for production, and designation of expert witnesses in a case alleging that a truck-driver who struck a pedestrian had negligently failed to keep a proper lookout). No. 2080.

[] *WOLODKO V. THOMAS*, 38 ATLA L. Rep. 94 (Apr. 1995) (plaintiff's brief in a pedestrian accident case alleging a van driver failed to keep a proper lookout). No. 2374.

RESPONDEAT SUPERIOR LIABILITY FOR DRIVER'S SPEEDING AND IMPROPER LOOK- OUT AND CONTROL

[] *BURNS V. SARSON*, 39 ATLA L. Rep. 82 (Mar. 1996) (plaintiffs' mediation summary in a respondeat superior case in which plaintiffs alleged that a pickup truck driver who rear-ended a car failed to keep a proper lookout). No. 2625.

[] *KECHKAYLO V. COX*, 38 ATLA L. Rep. 222 (Aug. 1995) (plaintiffs' brief in a respondeat superior case alleging that a driver who struck a vehicle head-on had failed to control his tractor trailer and keep a proper lookout). No. 2447.

[] *RICHARD V. JUDICE*, 38 ATLA L. Rep. 13 (Feb. 1995) (plaintiffs' petition for damages in a respondeat superior case alleging a driver who collided head-on with another car failed to keep a proper lookout and control his vehicle and rate of speed). No. 2287.

[] *SCHAEFER V. WEHRLE*, 38 ATLA L. Rep. 183 (June 1995) (plaintiffs' motion in limine to bar (1) use of peremptory challenges based on race and (2) reference to defendant driver's injuries; his traffic court proceedings; and decedent's high rate of speed, seat belt use, and prior traffic offenses in a respondeat superior case alleging a truck driver who turned left into an oncoming car failed to yield the right-of-way). No. 2422.

[] *WERTZ V. CUSTOM CARPET SHOP, INC.*, 37 ATLA L. Rep. 166 (June 1994) (defendants' motion for a new trial and plaintiff's response to defendants' motion to amend in a respondeat superior case in which plaintiff alleged a truck driver who rear-ended a car was speeding and failed to control the vehicle and keep a proper lookout). No. 2079.

DRAM SHOP AND SOCIAL HOST LIABILITY

[] *HICKINGBOTHAM V. BURKE*, 38 ATLA L. Rep. 334 (Nov. 1995) (plaintiff's summons, brief, and amended summons in a case holding that New Hampshire law recognizes social host liability if service of alcohol was reckless). No. 2532.

[] *PICKETT V. KROGER CO.*, 37 ATLA L. Rep. 167 (June 1994) (plaintiffs' amended complaint, discovery requests, and trial brief in a case against two companies alleging they had sold alcohol to a minor). No. 2066.

